

EXHIBIT H

Shin vs YSE

Shin vs YSE

4/15/2019

Condensed Transcript

Prepared by:

Robert Cirillo
Robert Cirillo, Inc.

Friday, April 26, 2019

Deposition of Young Ku Lee

<p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF NEW YORK 3 -----x 4 EDWARD SHIN, 5 Plaintiff, 6 Index No: 1:17-cv-05183 (LG) (SMG) 7 -against- 8 YSE ENTERPRISES, INC., MICHAEL S. WANG, 9 VICTORIA WANG as TRUSTEE OF THE RICHARDSON 10 IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG 11 DEBORAH WANG, and YOUNG K. LEE, 12 Defendants. 13 -----x 14 April 15 2019 15 11:15 A.M. 16 199 Water Street 17 New York, New York 18 EXAMINATION BEFORE TRIAL of the 19 Defendant YOUNG KU LEE, taken by 20 Plaintiff, pursuant to Order, before 21 Christine Cutrone, a Notary Public for and 22 within the State of New York. 23 ROBERT CIRILLO, INC. 24 CERTIFIED COURT REPORTERS 25 135 EAST CEDAR STREET LIVINGSTON, NEW JERSEY 07039 973-740-1331 cirillo.robert@gmail.com</p>	Page 1	Page 3
<p>1 APPEARANCES: 2 3 THE BASIL LAW GROUP, P.C. 4 Attorneys for Plaintiff 5 1270 Broadway 6 Suite 305 7 New York, New York 10001 8 BY: ROBERT J. BASIL ESQ. 9 10 THE CHARTWELL LAW OFFICES, LLP 11 Attorneys for Defendant 12 MICHAEL S. WANG, VICTORIA WANG as TRUSTEE 13 OF THE RICHARDSON IRREVOCABLE TRUST, 14 DEH-JUNG DEBORAH WANG AND TERRANCE WU 15 81 Main Street 16 Suite 100 17 White Plains, New York 10601 18 BY: CARMEN NICOLAOU, ESQ. 19 20 AHMUTY, DEMERS & MCMANUS, ESQ. 21 Attorneys for Defendants 22 200 I.U. Willets Road 23 Albertson, New York 11507 24 BY: JANICE BERKOWITZ, ESQ. OUR FILE: ORNA 167417FAC 25 26 LONGO & D'APICE, ESQS. Attorneys for Defendant 27 YOUNG K. LEE 28 26 Court Street 29 Suite 1700 30 Brooklyn, New York 11242 31 BY: TIMOTHY M. McCARTHY, ESQ., of Counsel 32 33 TONY KIM (MORNING SIDE TRANSLATION)</p>	Page 2	Page 4

<p>1 Y. Lee 2 entities; do you understand that? 3 A. Yes. 4 Q. And as you're doing, make sure 5 you give all your answers in Korean. You may 6 understand some of the English that I'm 7 speaking, but all your answers should be in 8 Korean and responsive to the interpreter's 9 interpretations to my questions; do you 10 understand that? 11 A. Yes. 12 Q. You also understand that you are 13 under oath, and it's just as important that 14 you give truthful and accurate answers here as 15 it would be if you were in a court of law; do 16 you understand that, sir? 17 A. Yes. 18 Q. Do you have any questions for me 19 before we start? 20 A. No. 21 Q. You had a chance to meet with 22 your attorney this morning before we started; 23 is that correct? 24 A. Yes. Briefly. 25 Q. And Korean is your native</p>	Page 5	<p>1 Y. Lee 2 Q. Yes. 3 MR. McCARTHY: I'm going to 4 at least note my objection. This 5 cannot be used at the time of 6 trial. Any questions as to his 7 present ownership cannot be used. 8 Go ahead. 9 A. 50 percent. 10 Q. What are your responsibilities 11 at Lebasket? 12 A. I am the president. 13 Q. Where is Lebasket located? 14 A. 683 Broadway. 15 Q. Manhattan? 16 A. Yes. 17 Q. Before you were employed by 18 Lebasket, what was your previous employment? 19 A. 15 years ago I had another deli 20 at another location. 21 Q. Again, we're here primarily to 22 talk about events related to Mr. Edward Shin's 23 falling down some steps that occurred on 24 April 21st and April 22nd. 25 Were you present during</p>	Page 7
<p>1 Y. Lee 2 language; is that correct? 3 A. Yes. 4 Q. Do you currently have 5 employment? 6 A. Yes. 7 Q. Where are you employed? 8 A. Do you need the address? 9 Q. First give me the name of your 10 employer. 11 A. L-E-B-A-S-K-E-T Deli Grocery. 12 Q. Do you have any ownership or 13 interest in that business? 14 MR. McCARTHY: Objection. 15 A. Yes. 16 Q. What is your ownership interest? 17 MR. McCARTHY: What he owns 18 now is not relevant to how this 19 incident occurred. Should there 20 be a verdict you're entitled to a 21 subsequent deposition as to the 22 assets. So at this time I'm going 23 to object to the question. 24 Q. You may answer. 25 A. Do I need to answer?</p>	Page 6	<p>1 Y. Lee 2 Mr. Shin's falling down the steps at a 3 building on Northern Boulevard in Queens on 4 that day? 5 A. Yes. 6 Q. Prior to today's deposition, 7 have you talked to anyone other than your 8 attorneys about the events that occurred that 9 evening? 10 A. No one besides my family. It's 11 embarrassing, so no one. 12 Q. Has anyone from the news media 13 attempted to contact you about the events 14 about that evening? 15 A. No. 16 Q. In this case we've been calling 17 the establishment, where you and Mr. Shin were 18 having some drinks and food that evening, as 19 YS2. 20 Is it okay if I call that 21 business YS2 for this deposition and you'll 22 know what I mean? 23 MS. NICOLAOU: Objection. 24 Form. 25 MS. BERKOWITZ: Objection to</p>	Page 8

<p>1 Y. Lee 2 form. 3 Q. What was the business that you 4 were visiting that evening on Northern 5 Boulevard in Queens? 6 A. That's not a place that I 7 frequent much, so I don't recall the name of 8 the establishment. 9 Q. Prior to April 21st, 2017, the 10 night of Mr. Shin's fall, how many times had 11 you been to the establishment where you had 12 some drinks that evening? 13 MS. BERKOWITZ: Objection, 14 form. 15 MS. NICOLAOU: Objection. 16 Q. Go ahead. You can translate. 17 MR. MCCARTHY: I'll object 18 to form too, but go ahead. 19 A. To my recollection, about a year 20 before the incident. 21 Q. So one year before the incident 22 was the last time you were in the same 23 establishment where you met with Mr. Shin that 24 evening, correct? 25 MR. MCCARTHY: Objection.</p>	<p>Page 9</p> <p>1 Y. Lee 2 Q. On the evening of April 21, 3 2017, did you see Mr. Edward Shin? 4 A. I saw him at the karaoke bar and 5 that's it. 6 Q. When you saw him at the karaoke 7 bar, where in the karaoke bar did you first 8 see him? 9 A. When he came into our room. 10 Q. When Mr. Shin came into your 11 room as you stated, who was also in the room 12 at that time? 13 A. There were three in that room, 14 besides myself. There was my friend. My 15 friend, he recently started his own business, 16 so he also brought his own CPA. And there was 17 an employee of the bar in the room. 18 Q. Mr. Lee, do you know the names 19 of the three people in the room; and if you 20 do, what are those names? 21 A. Okay. My friend is Hong, 22 Mr. Hong and CPA is Mr. Park. I had no 23 relation with the CPA. 24 Q. Do you know the name of the 25 employee you referred to that was in the room?</p>
<p>1 Y. Lee 2 I'm not sure -- 3 MS. NICOLAOU: Objection to 4 form. 5 MR. MCCARTHY: Objection to 6 form. 7 MS. NICOLAOU: There's no 8 foundation. 9 Q. That's fine. 10 A. Yes, probably so. 11 Q. Now, before April 21, 2017, had 12 you ever met Mr. Edward Shin? 13 A. I've seen him once. 14 Q. When did you see Mr. Edward Shin 15 before April 21 of 2017? 16 A. I think I've seen him at my 17 friend's wedding. 18 Q. Other than at your friend's 19 wedding, do you believe that you were ever in 20 the same location as Mr. Edward Shin before 21 April 21, 2017? 22 A. No. 23 Q. Did you see Mr. Shin on the 24 evening of April 21, 2017? 25 A. Can you repeat that again?</p>	<p>Page 10</p> <p>1 Y. Lee 2 A. No, I do not. I know he was the 3 employee, but I don't know his name. 4 Q. The employee, he was in the room 5 when Mr. Shin came in or was he in the room at 6 other times? 7 A. No. 8 Q. No meaning -- 9 MR. MCCARTHY: Objection. 10 Why don't you breakup the question 11 perhaps or ask it a different way. 12 MR. BASIL: Right. 13 MR. MCCARTHY: There's no 14 question. 15 Q. The employee who was in the room 16 at the time Mr. Shin came into the room, was 17 that the only time that that employee was in 18 the room with you? 19 MS. NICOLAOU: Objection to 20 form. 21 A. Mr. Shin came in when the 22 employee was in our room. 23 Q. How long had you been in the 24 room at the time Mr. Shin entered? 25 A. Not much time had passed after I</p>

<p>1 Y. Lee 2 got in the room. About 20 minutes. 3 Q. During the 20 minutes you were 4 in the room, before Mr. Shin arrived, were 5 alcoholic beverages served? 6 MS. BERKOWITZ: Objection to 7 form. 8 A. Yes. That's why the employee 9 was in our room. 10 Q. During those 20 minutes, what 11 alcoholic beverages were brought to the room 12 by the employee? 13 MS. NICOLAOU: Objection to 14 form. 15 A. Johnnie Walker Blue. 16 Q. Was there any beer in the room 17 during those 20 minutes? 18 A. No. I don't drink beer. 19 Q. Was there any food in the room 20 during those 20 minutes? 21 A. Yes, there was fruit. 22 Q. Was the employee male or female 23 that was in the room? 24 A. It was a female (English). 25 Q. Was it that female that brought</p>	<p>Page 13</p> <p>1 Y. Lee 2 that came into that room for any purpose? 3 A. I cannot remember. 4 Q. Once Mr. Shin came into the 5 room, did any employees other than the woman 6 you referred to, come into the room that 7 evening? 8 A. I cannot recall who else came 9 into our room. 10 Q. To your knowledge, did anyone 11 invite Mr. Shin into your room? 12 A. The CPA that was with us, when 13 he went to the bathroom, you know, he met with 14 Mr. Shin, and he went to introduce us. So 15 that's why he brought -- I was told that the 16 CPA brought Mr. Shin in our room. 17 Q. Once Mr. Shin came into the 18 room, were additional drinks ordered? 19 MS. BERKOWITZ: Objection to 20 form. 21 Q. You can answer. 22 MR. MCCARTHY: Objection to 23 form, if you understand. 24 (The record is read back by 25 the reporter.)</p>
<p>1 Y. Lee 2 the Johnnie Walker Blue into the room? 3 A. I can't recall who brought 4 liquor into the room. 5 Q. Did the female pour liquor into 6 the shot glass or the drinking glasses during 7 those 20 minutes? 8 A. No. I poured the drink for my 9 guests, my friends. 10 Q. Who ordered the Johnnie Walker 11 Blue? 12 A. Mr. Hong. 13 Q. Did Mr. Hong order the Johnnie 14 Walker Blue while he was in the room or while 15 he was outside of the room. 16 A. Mr. Hong ordered the drink while 17 he was in the room before Mr. Shin came in. 18 Q. Did he give that order to the 19 female employee that you referred to or 20 somebody else? 21 A. It's Mr. Hong that ordered the 22 drinks, so I don't recall who he, you know, 23 ordered for. 24 Q. During those 20 minutes, were 25 there any other employees of the karaoke bar</p>	<p>Page 14</p> <p>1 Y. Lee 2 A. I didn't order it, but Mr. Shin 3 finished the entire bottle. And to my 4 knowledge, it's Mr. Shin that placed 5 additional order. 6 Q. When you say Mr. Shin drank the 7 rest of the bottle, are you referring to the 8 Johnnie Walker Blue bottle that you had 9 mentioned earlier? 10 A. Yes, that's correct. 11 Q. Before Mr. Shin got into the 12 room, how much of that Johnnie Walker Blue was 13 consumed by people in the room? 14 A. Not much. We drank in a small 15 cup or so. It wasn't much. 16 Q. Do you recall how much you had 17 drank of the Johnnie Walker Blue before 18 Mr. Shin entered the room? 19 A. One small cup. 20 Q. Do you have any estimate about 21 how many ounces of the Johnnie Walker Blue you 22 drank before Mr. Shin entered the room? 23 A. Two or three hours. I don't 24 know how much ounces. Small cup. I don't 25 know how many (English).</p>

<p>1 Y. Lee 2 MS. NICOLAOU: You have to 3 speak your language, I'm sorry. 4 MR. MCCARTHY: You have to 5 speak in Korean. 6 A. It's a very small cup, so I 7 don't know exactly how many ounces I had. 8 Q. Before you got to the karaoke 9 bar, had you consumed any alcoholic beverages 10 that day or evening? 11 A. Okay. Before we went to the 12 karaoke bar, we had our meal at the 13 restaurant. And at that restaurant I had one 14 cup of beer. 15 Q. So when Mr. Shin came into the 16 room, is it your recollection that you were 17 sober at the time? 18 A. Yes. 19 Q. Now, at any time during that 20 evening before Mr. Shin fell down the steps, 21 were you no longer sober in your mind? 22 A. I was sober. I was -- my mind 23 was clear. I was sober. 24 Q. So at the time Mr. Shin fell 25 down the steps, your testimony is that you</p>	<p>Page 17</p> <p>1 Y. Lee 2 about an hour or two just to be with my 3 friends. You know, just accompany my friends, 4 but I don't drink much. 5 Q. So that evening with Mr. Shin, 6 did you drink any Johnnie Walker Blue while 7 Mr. Shin was in the room? 8 A. I think I had one shot. 9 Q. Did Mr. Hong have any drinks 10 while Mr. Shin was in the room? 11 A. Yes, he did. 12 Q. Can you estimate how many drinks 13 Mr. Hong had while Mr. Shin was in the room? 14 A. I think he had two or three 15 shots. 16 Q. Did Mr. Park have any drinks 17 while Mr. Shin was in the room? 18 A. I don't think he drank much 19 either. 20 Q. How many drinks did Mr. Shin 21 have while you were in the room with him that 22 evening? 23 A. You could say he drank a lot. 24 You could say he finished the rest of the 25 drink.</p>
<p>1 Y. Lee 2 were sober at that moment; is that correct? 3 A. Yes. 4 Q. After Mr. Shin came into the 5 room, did you talk to Mr. Shin? 6 A. No. I just shook hands and, you 7 know, we -- the people in the room just shook 8 hands and meet Mr. Shin and that was it. 9 Q. How long were you in the same 10 room as Mr. Shin at the karaoke bar? 11 A. About an hour to my knowledge. 12 Q. Did you observe Mr. Shin 13 drinking alcohol during that hour? 14 A. Yes. 15 Q. From your observation, was 16 Mr. Shin sober during the time that you were 17 in the room with him that evening? 18 A. When he came into the room, he 19 was a little intoxicated. 20 Q. While Mr. Shin was in the room 21 with you that evening, did you consume 22 alcoholic beverages during that period of 23 time? 24 A. I don't drink much. If I drink 25 one cup of drink, I just stay in the room</p>	<p>Page 18</p> <p>1 Y. Lee 2 Q. During the time when Mr. Shin 3 was in the room, were there any employees who 4 came in and poured drinks for either Mr. Shin 5 or for any of the other people in the room? 6 A. I cannot recall. Usually I pour 7 the drink myself, but I don't recall. 8 Q. Were there any female guests in 9 the room during the period when Mr. Shin was 10 in the room? 11 A. No. 12 Q. During the time Mr. Shin was in 13 the room, did you hear any arguments between 14 Mr. Shin and anyone else that was in the room? 15 A. Well, after Mr. Shin was drunk 16 and he start hitting people and pulling their 17 hair in the room, now the people that were in 18 the room were nice people. So they were just 19 telling Mr. Shin to, you know, back off. 20 Q. Did Mr. Shin hit you? 21 A. No. 22 Q. Did Mr. Shin pull your hair? 23 A. No, I was a distance away 24 (Korean). So I was away like this (English). 25 Q. Korean please.</p>

<p style="text-align: right;">Page 21</p> <p>1 Y. Lee</p> <p>2 A. He could not reach me. I was a</p> <p>3 distance.</p> <p>4 Q. While you were in the room with</p> <p>5 Mr. Shin, did Mr. Shin insult you?</p> <p>6 A. Not to me.</p> <p>7 Q. When you were in the room with</p> <p>8 Mr. Shin, did Mr. Shin discuss your businesses</p> <p>9 with you?</p> <p>10 (The record is read back by</p> <p>11 the reporter.)</p> <p>12 MR. MCCARTHY: Objection to</p> <p>13 form.</p> <p>14 A. He told me that he founded</p> <p>15 money. You should come and see me, because he</p> <p>16 would be able to loan me money.</p> <p>17 Q. Did you express any interest in</p> <p>18 obtaining a loan from Mr. Shin or his bank?</p> <p>19 MR. MCCARTHY: While in the</p> <p>20 room?</p> <p>21 MR. BASIL: While in the</p> <p>22 room, yes.</p> <p>23 A. Well, he sounded like he can</p> <p>24 really help me out with getting a loan if I</p> <p>25 were to come to him. Then he sounded like he</p>	<p style="text-align: right;">Page 23</p> <p>1 Y. Lee</p> <p>2 THE WITNESS: Yes, he's</p> <p>3 ready.</p> <p>4 Q. This has been identified by</p> <p>5 other witnesses as a receipt that was</p> <p>6 generated from purchases at the room that you</p> <p>7 and Mr. Shin were in. I just have a few</p> <p>8 questions.</p> <p>9 MS. BERKOWITZ: I'm going to</p> <p>10 object to that introductory</p> <p>11 statement.</p> <p>12 Q. On line two it says black, two</p> <p>13 bottles, \$200.</p> <p>14 MR. MCCARTHY: It says blue.</p> <p>15 MS. BERKOWITZ: I think</p> <p>16 you're on the wrong one, Bob.</p> <p>17 Q. Okay. As you see on line one</p> <p>18 and two it states Johnnie Walker Blue, two</p> <p>19 bottles.</p> <p>20 Do you recall if there were two</p> <p>21 bottles purchased for the room you were in on</p> <p>22 April 21, 2017?</p> <p>23 MS. BERKOWITZ: Objection to</p> <p>24 form.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 22</p> <p>1 Y. Lee</p> <p>2 was really going to help me get the loan.</p> <p>3 Q. Do you remember if you said</p> <p>4 anything to Mr. Shin in the room about whether</p> <p>5 you were interested or not interested in</p> <p>6 getting a loan?</p> <p>7 A. No, I did not.</p> <p>8 Q. Other than that discussion that</p> <p>9 you just mentioned, do you remember any other</p> <p>10 discussions between you and Mr. Shin while you</p> <p>11 were in the room that evening?</p> <p>12 A. No.</p> <p>13 Q. I want to show you what's been</p> <p>14 marked in other depositions as Defendant's</p> <p>15 Exhibit C. And just take a look at that and</p> <p>16 let me know when you're ready to answer some</p> <p>17 questions.</p> <p>18 MR. MCCARTHY: Take your</p> <p>19 time and read it to yourself.</p> <p>20 MS. NICOLAOU: Could you</p> <p>21 just read the date of that</p> <p>22 exhibit?</p> <p>23 MR. MCCARTHY: The exhibit</p> <p>24 was marked February 1st, 2019.</p> <p>25 Exhibit C.</p>	<p style="text-align: right;">Page 24</p> <p>1 Y. Lee</p> <p>2 Q. Do you know who paid the \$900</p> <p>3 for the Johnnie Walker Blue that's reflected</p> <p>4 on Defendant's Exhibit C?</p> <p>5 A. I didn't see who paid.</p> <p>6 Q. Did you pay the \$900 reflected</p> <p>7 on Exhibit C?</p> <p>8 A. No.</p> <p>9 Q. Did you pay the \$400 room charge</p> <p>10 that is reflected on Exhibit C?</p> <p>11 A. No.</p> <p>12 Q. Did you pay for the fruit</p> <p>13 platter, the meatballs or the chicken that is</p> <p>14 referred to on Exhibit C?</p> <p>15 A. No, I haven't paid any of those.</p> <p>16 Q. In the upper-right hand corner</p> <p>17 it looks like it says 10-00 or 10 o'clock. Do</p> <p>18 you see that?</p> <p>19 A. Yeah.</p> <p>20 Q. And underneath there is some</p> <p>21 writing. Do you understand that writing?</p> <p>22 A. Yeah.</p> <p>23 Q. What does that writing say?</p> <p>24 A. Someone's name.</p> <p>25 Q. Can you tell if it's a man's</p>

<p>1 Y. Lee 2 name or a woman's name? 3 A. Male's name. 4 Q. The male's name, that's either 5 Mr. Hong, Mr. Park, Mr. Shin or yourself? 6 A. It's looks like the name of the 7 CPA.</p> <p>8 MR. MCCARTHY: Make sure 9 until he waits until you 10 translate.</p> <p>11 MR. BASIL: Let's go to the 12 video. We're now going to show 13 the witness nonstop what we've 14 marked previously as Exhibit 1 on 15 March 15th, 2019.</p> <p>16 Q. So at this point there's no 17 question pending, but I want you to look at 18 the video and then we'll backup and ask some 19 questions.</p> <p>20 (Playing video.)</p> <p>21 Q. Mr. Lee, you've just had an 22 opportunity to review what's been marked as 23 Exhibit 1.</p> <p>24 Had you ever seen that video 25 before?</p>	<p>Page 25</p> <p>1 Y. Lee 2 form to the extent that he knows. 3 A. Okay. On the way out, Mr. Shin 4 was cursing at me and he was yelling at me. 5 So that's why I went to him after I came out 6 of the bathroom.</p> <p>7 Q. Did the people in the room where 8 the Johnnie Walker Blue had been delivered 9 leave at the same time?</p> <p>10 A. No.</p> <p>11 Q. Who left first?</p> <p>12 A. Mr. Shin left the room. And 13 after that, I went out of the room to go to 14 the restroom.</p> <p>15 Q. Did Mr. Park or Mr. Hong also 16 leave the room at or about that time?</p> <p>17 A. No.</p> <p>18 Q. After you went to the men's 19 room, did you come back to the room?</p> <p>20 A. Yes, I came back to the room.</p> <p>21 Q. At that point was Mr. Shin gone?</p> <p>22 A. Right.</p> <p>23 Q. At that point there were three 24 of you left in the room; is that correct?</p> <p>25 A. Yes.</p>
<p>1 Y. Lee 2 A. Yeah. Well, I saw the video 3 that was sent over to my cell phone.</p> <p>4 Q. Okay. Do you recognize the 5 individuals in that video?</p> <p>6 A. Okay. I know that one person is 7 Mr. Shin's friend and another person is the 8 employee of the bank where Mr. Shin works.</p> <p>9 Q. Do you know the name of 10 Mr. Shin's friend that appears in the video?</p> <p>11 A. I don't know his name, but I 12 understand that he owns a restaurant 13 downstairs.</p> <p>14 Q. Do you know the name of the 15 employee that you referred to who appears in 16 the video?</p> <p>17 MS. BERKOWITZ: Shin's 18 employee?</p> <p>19 MR. BASIL: Yes.</p> <p>20 A. I do not know.</p> <p>21 Q. Tell me how the people in that 22 video all came to be standing at that top of 23 the stairs at that moment when the video 24 begins?</p> <p>25 MR. BASIL: Objection to</p>	<p>Page 26</p> <p>1 Y. Lee 2 Q. How much longer did the three of 3 you stay in the room after Mr. Shin left?</p> <p>4 A. About 20 to 30 minutes.</p> <p>5 Q. During that 20 to 30 minutes, 6 was any additional alcoholic beverages brought 7 to the room?</p> <p>8 A. No.</p> <p>9 Q. During that 20 to 30 minutes 10 after Mr. Shin left, was any alcoholic 11 beverage that was already in the room 12 consumed?</p> <p>13 A. Okay. I don't recall. I can't 14 remember whether they drank additional liquor 15 or not.</p> <p>16 Q. Did you consume any liquor after 17 Mr. Shin left the room?</p> <p>18 A. No. To my knowledge -- to my 19 recollection, I don't think I have anymore 20 drink.</p> <p>21 Q. So starting when you arrived at 22 the karaoke bar that evening, and the time 23 that you appear on the video at the top of the 24 stairs, can you estimate how much alcoholic 25 beverages you consumed that evening?</p>

	Page 29	Page 31
1	Y. Lee	1 Y. Lee
2	MS. BERKOWITZ: Objection.	2 Q. Why were you standing at the top
3	Asked and answered.	3 of the stairs at the time reflected in the
4	MR. MCCARTHY: Also object.	4 video marked as Exhibit 1?
5	Asked and answered.	5 A. Okay.
6	A. Two or three shots. Just small	6 THE INTERPRETER: Can I?
7	glass.	7 MR. BASIL: Please.
8	Q. Now, you mentioned earlier that	8 (Retranslated.)
9	Mr. Shin was cursing and yelling at you.	9 A. I went out there because
10	Do you remember any of the words	10 Mr. Shin was cursing and yelling, and also the
11	that he said?	11 owner was also yelling. So I went out to see
12	A. No. Not to me, but he was	12 what's going on.
13	rather yelling and cursing at the people that	13 Q. When you went out to the
14	were the other people in the room.	14 landing, as shown in Exhibit 1, the video, am
15	Q. Now, after Mr. Shin had left the	15 I correct that you were not intending to leave
16	room and you stayed for another 20 or 30	16 the building at that time?
17	minutes in that room, at that point did you	17 A. Right.
18	decide to leave the premises and go home?	18 Q. Do you remember any of the words
19	A. No.	19 that were said at the top of the stairs at the
20	Q. After that 20 to 30 minutes	20 time when the video captured what was ever
21	after Mr. Shin left the room, what did you do	21 going on there?
22	next?	22 A. He was cursing me out. He was
23	THE INTERPRETER: I'm sorry.	23 cursing. He was sticking the middle finger
24	After 20, 30 minutes?	24 up.
25	MR. BASIL: Right. After	25 Q. Did Mr. Shin tell you why he was
	Page 30	Page 32
1	Y. Lee	1 Y. Lee
2	Mr. Shin left the room, he was in	2 cursing you out and sticking his middle finger
3	the room for another 20, 30	3 up?
4	minutes, what did he do next?	4 A. I do not know.
5	MR. MCCARTHY: Objection to	5 Q. When Mr. Shin was cursing you
6	form. I don't understand. You're	6 out and sticking his finger up, did you get
7	talking about the 20, 30 minutes	7 angry?
8	or after the 20, 30 minutes?	8 A. I was upset, but I was not
9	MR. BASIL: I'll rephrase	9 enraged.
10	it.	10 Q. Did you ever, during the course
11	Q. After Mr. Shin left the room,	11 of that evening, intend to hurt Mr. Shin?
12	and then you returned and stayed for 20 or 30	12 A. No.
13	minutes, what did you do next?	13 Q. Did you ever intend to kick
14	MR. MCCARTHY: Objection to	14 Mr. Shin during the course of that evening?
15	form. But if you think you	15 A. No.
16	understand.	16 Q. From your vantage point, can you
17	A. I was just sitting. We were	17 tell why Mr. Shin fell down the stairs as
18	just sitting to my knowledge -- to my	18 reflected in that video?
19	recollection.	19 MS. NICOLAOU: Objection to
20	Q. When did you leave the room for	20 form.
21	the last time?	21 A. From my opinion and also from
22	A. When the police came and	22 the other employees -- from the other people
23	arrested me is when I left the room. And I	23 that were there, from our perspectives, I
24	asked the police for why or what charge am I	24 think Mr. Shin was kind of leaning toward and
25	being arrest for.	25 he wasn't standing straight. He was

<p>1 Y. Lee 2 unbalanced and misstepped. He tripped and 3 then he fell. Now, on that same spot, someone 4 that I know also had fallen from the same 5 spot. So I think he misstepped. 6 Q. The other person that you're 7 aware of that fell, was that before Mr. Shin 8 fell or after Mr. Shin fell? 9 A. Several months before. 10 Q. Were you present when that other 11 person fell? 12 A. No. I was told that, you know, 13 that person had fallen. The person that fell 14 is the husband of my business partner. 15 MR. MCCARTHY: Could you 16 tell him to just answer the 17 questions. If the question is, 18 were you present at the time of 19 the incident, yes or no, you were 20 present. You don't have to go 21 into who fell. Could you tell him 22 that? 23 THE WITNESS: I understand. 24 Q. What is the name of the person 25 who fell?</p>	<p>Page 33</p> <p>1 Y. Lee 2 didn't think anything of it. So I went into 3 my room. 4 Q. Eventually, as you testified, 5 the police came to talk to you about the 6 incident, correct? 7 A. Yes. 8 Q. What did you say to the 9 policeman? 10 A. When the police tried to arrest 11 me, I told him I am not the person that was 12 fighting. 13 Q. Did you tell the police that you 14 believed this incident was an accident? 15 MR. MCCARTHY: This is at 16 the scene? 17 MR. BASIL: This is while he 18 is talking to the police at the 19 scene, correct. 20 A. No, I didn't tell him that. 21 Q. Did you believe at the time that 22 you were talking to the police that Mr. Shin's 23 fall was an accident? 24 A. I didn't tell him that. I just 25 told the police that I was not the person that</p>
<p>1 Y. Lee 2 MR. MCCARTHY: You're 3 talking about the prior case? 4 MR. BASIL: Correct. 5 A. C-H-A-S-U-N-G, that's the first 6 name. And the last name is I-M. 7 Q. Do you know if Mr. Im was 8 injured on that occasion? 9 A. Yes. 10 Q. Do you know the extent of 11 Mr. Im's injuries on that occasion? 12 A. Yes, he was injured quite bad. 13 Q. Do you know if Mr. Im retained 14 an attorney to address the injuries that he 15 had received? 16 A. No, he did not. 17 Q. Do you know if Mr. Im received 18 any compensation for his injuries? 19 A. From what I know he got -- he 20 had insurance. He used his own insurance, 21 because he acknowledged that it was his own 22 fault. 23 Q. Immediately after Mr. Shin fell 24 down the stairs, what did you do next? 25 A. I just went into my room. I</p>	<p>Page 34</p> <p>1 Y. Lee 2 was fighting. 3 MR. BASIL: Let me take a 4 couple of minutes. Take five 5 minutes. 6 MR. MCCARTHY: Sure. 7 (Whereupon a short break was 8 taken.) 9 (Resuming) 10 Q. After you spoke to the police 11 that evening, did you have further 12 conversations with either the police or 13 district attorney's office about this 14 incident? 15 A. No. 16 MR. BASIL: I don't have 17 anymore questions for you today. 18 I appreciate it. 19 THE WITNESS: Thank you. 20 MR. MCCARTHY: But now you 21 got these two. 22 EXAMINATION BY MS. BERKOWITZ: 23 Q. Good afternoon. My name is 24 Janice Berkowitz. I'm the attorney for the 25 karaoke bar.</p>

	Page 37		
1	Y. Lee	1	Y. Lee
2	When you went out to dinner,	2	Q. Where did Mr. Hong go? Did
3	before you went to the karaoke bar, who did	3	Mr. Hong go into a room?
4	you go with?	4	A. Well, we went to the karaoke
5	A. There were about 20 people and	5	bar. The employee led us to a room.
6	Mr. Hong was also there.	6	Q. What employee led you to a room?
7	Q. What restaurant was that?	7	A. I don't recall who exactly.
8	A. Kum Kang San.	8	Q. Was it a manager or server or
9	Q. Where is that restaurant	9	you don't remember?
10	located?	10	A. I think it was a manager.
11	A. In Flushing.	11	Q. Do you know the manager's name?
12	Q. What did you eat at that meal?	12	A. No.
13	A. The barbecue.	13	Q. When you got to the room, was
14	Q. What barbecue? Tell me what you	14	Mr. Park already in there, the CPA?
15	ate?	15	A. Oh, he went with us from the
16	A. The rib.	16	restaurant.
17	Q. And anything else with ribs?	17	Q. He was at the restaurant too?
18	A. Mostly barbecue.	18	A. Yes.
19	Q. What time was that?	19	Q. Now, when the server brought in
20	A. In my recollection we were there	20	the first bottle of Johnnie Walker Blue, what
21	from seven till nine.	21	did that server do?
22	Q. And you said you had one cup of	22	A. The employee asked us if you
23	beer; is that correct?	23	want to have appetizer snack and we asked for
24	A. Yes.	24	the fruit.
25	Q. What kind of beer was that?	25	Q. You said that Mr. Hong ordered
	Page 38		
1	Y. Lee	1	Y. Lee
2	A. I don't recall what brand.	2	the Johnnie Walker Blue?
3	Q. What size cup?	3	A. I think so.
4	A. (Indicating). It's a cup that	4	Q. Then when the server came back
5	is about ten ounce.	5	with the bottle, what did he serve it in?
6	Q. And what's your height?	6	A. The employer also brought the
7	A. 174 centimeters.	7	ice and the coke and just placed it and then
8	Q. What was your weight at the	8	he left.
9	time?	9	Q. Placed it where?
10	A. 175 pounds.	10	A. On the table.
11	Q. And then after the meal, did you	11	MR. McCARTHY: Wait for the
12	go straight to the karaoke bar with Mr. Hong?	12	Korean and speak in Korean.
13	A. Yes.	13	Q. How long was the server in the
14	Q. How did you get there?	14	room?
15	A. Okay. I think Mr. Hong drove	15	MR. McCARTHY: This is when
16	his car, because I went with Mr. Hong.	16	they brought the --
17	Q. What time did you arrive at the	17	MS. BERKOWITZ: The first
18	karaoke place?	18	bottle.
19	A. Okay. I left the restaurant	19	A. Can you just repeat the
20	around 9 o'clock. So I must have gotten there	20	question?
21	9:20 or 9:30.	21	MR. McCARTHY: Read it back.
22	Q. When you got there, did anyone	22	(The record is read back by
23	from the karaoke bar greet you?	23	the reporter.)
24	A. No, no one. I just followed Mr.	24	Q. When the server brought the
25	Hong.	25	first bottle.

	Page 41		
1	Y. Lee	1	Y. Lee
2	A. After he placed -- the employee	2	that clear?
3	placed -- the server placed the bottle and he	3	MS. BERKOWITZ: Sure.
4	just left.	4	Q. The yelling on the landing --
5	Q. As you sit here today, do you	5	A. No.
6	know who paid for the \$900 for the two bottles	6	Q. -- besides for Shin, was anybody
7	of blue?	7	else yelling or cursing on the landing?
8	A. I do not know.	8	A. No, there was none.
9	Q. When you were in the room, did	9	Q. Were there any employees from
10	you have any fruit to eat?	10	the karaoke bar out on the landing before
11	A. Yes. The fruit was also brought	11	Mr. Shin fell?
12	in by the server along with the drink.	12	A. Yeah, there were a few employees
13	Q. What about any meatballs or	13	standing just a few feet away from where
14	chicken, did you have any meatballs or	14	Mr. Shin was standing.
15	chicken?	15	Q. Were they in the karaoke bar or
16	A. I think I've seen it, but I	16	were they on the landing?
17	didn't eat it.	17	A. They were in the hallway,
18	Q. Now, before you told us that in	18	because the landing is visible from the
19	the video one of the people that you	19	hallway.
20	recognized was the owner of the restaurant.	20	Q. Karaoke bar hallway?
21	Do you know that person's name?	21	A. Yes.
22	A. No, I do not know.	22	Q. So I'll ask you again.
23	Q. You're not talking about the	23	Were there any employees on the
24	owner of the karaoke bar, correct?	24	landing right before Mr. Shin fell?
25	A. Yeah, I know.	25	A. No.
Page 42		Page 44	
1	Y. Lee	1	Y. Lee
2	Q. So it's a different person?	2	Q. Was the door between the karaoke
3	A. Different.	3	bar and the landing closed?
4	Q. When you told us earlier that	4	A. The door was open. It was right
5	Shin was cursing and yelling and that the	5	there.
6	owner was also yelling, was that also the	6	Q. But it was open or closed?
7	owner of the restaurant?	7	A. It was open.
8	A. Okay. Can you repeat the	8	MR. MCCARTHY: That's the
9	question again?	9	door to the karaoke room?
10	Q. When Shin was cursing and	10	MS. BERKOWITZ: Yeah.
11	yelling, was there anybody else cursing and	11	Q. Did the police do any
12	yelling?	12	breathalyzer or any other type of testing on
13	A. He was cursing at every one.	13	you?
14	Q. But was anybody cussing, yelling	14	A. No, not to my knowledge.
15	back at him?	15	Q. You told us earlier that
16	MR. MCCARTHY: Could I?	16	Mr. Shin ordered the second bottle of,
17	MS. BERKOWITZ: Sure.	17	correct?
18	MR. MCCARTHY: There was	18	A. From what I know, yes.
19	yelling in the room. But you're	19	Q. So did the same server bring the
20	talking about yelling on the	20	second bottle that brought in the first
21	stairs.	21	bottle?
22	MS. BERKOWITZ: I'm just	22	A. That I don't recall who brought
23	talking about yelling on the	23	the second bottle.
24	landing.	24	Q. Whoever brought in the second
25	MR. MCCARTHY: Can you make	25	bottle, did they do the same thing where they

<p>1 Y. Lee 2 placed it down on the table and they just 3 left? 4 A. Yes. 5 Q. Did Mr. Shin ever pour you any 6 drinks? 7 A. I cannot recall. 8 Q. Do you know why Mr. Shin was 9 giving you the finger? 10 A. I do not know. 11 MS. BERKOWITZ: That's all I 12 have right now. 13 THE WITNESS: Thank you. 14 EXAMINATION BY MS. NICOLAOU: 15 Q. Good afternoon. So My name is 16 Carmen Nicolaou. I'm just going to be asking 17 you a few questions. I'll try not to repeat 18 myself. The same rules apply. I understand 19 you understand and speak English, but you're 20 more comfortable in your native language; is 21 that correct? 22 A. Yes. 23 Q. And throughout this deposition 24 you kind of been answering English off and on. 25 Please, I'm going to ask you to keep it in</p>	<p>Page 45</p> <p>1 Y. Lee 2 there a year before. 3 Q. Were you there as a guest or a 4 member? 5 MR. MCCARTHY: At what 6 point? 7 MS. NICOLAOU: The year 8 before. 9 A. Yeah, somebody was buying me a 10 drink. 11 Q. Do you recall who that person 12 was? 13 A. No. 14 Q. And the evening of Mr. Shin's 15 fall down the stairs, were you at the karaoke 16 bar as a guest of a member? 17 A. Yes, Mr. Hong said he was going 18 to buy us drinks, so I went along with him. 19 Q. How long were you at the karaoke 20 bar? 21 MR. MCCARTHY: This is the 22 date of the incident? 23 MS. NICOLAOU: I wasn't 24 asking... 25 Q. How long were you at the karaoke</p>
<p>1 Y. Lee 2 Korean. That's why we have the translator 3 here for you. Okay? 4 A. Yes. I understand. I'm sorry. 5 Q. Is it Mr. Hong or Hang? Can you 6 spell that? 7 A. H-O-N-G. 8 Q. Mr. Hong, who is he to you; a 9 friend, business partner or something else? 10 A. Friend. 11 Q. How long have you known him? 12 A. About 30 years. 13 Q. Do you have a business 14 relationship with him as well? 15 A. No. 16 Q. What about Mr. Park, do you have 17 a business relationship with him as well? 18 A. No. 19 Q. Was it the first time that you 20 met Mr. Park was on the date of Mr. Shin's 21 fall? 22 A. From my recollection, yes. 23 Q. Was this your first time at the 24 this particular karaoke bar? 25 A. No. From my recollection I was</p>	<p>Page 46</p> <p>1 Y. Lee 2 bar the evening of Mr. Shin's accident? 3 A. Thirty to forty minutes. 4 Q. Let me reask the question. 5 You arrived to the karaoke bar 6 what time? 7 A. A little after nine. 8 Q. What time did Mr. Shin's 9 accident occur? 10 A. I don't have the accurate time, 11 but I think it was after ten. Ten or 11. I 12 don't know. 13 Q. So your recollection is that 14 from the time that you arrived to the karaoke 15 bar up until the time of Mr. Shin's accident, 16 approximately, give or take, one and a half to 17 two hours had passed? 18 A. From my recollection 19 approximately, yeah. 20 Q. When Mr. Shin first entered your 21 room, you had testified that I think earlier 22 that you appeared to be a little intoxicated; 23 is that correct? 24 A. Yes. 25 Q. I believe you also testified</p>

<p>1 Y. Lee 2 that he finished off the first bottle of Blue 3 Walker; is that correct? 4 A. I didn't say he finished 5 completely the first bottle, but he drank a 6 lot. 7 Q. That's fine. 8 What precisely did you observe 9 him drink? Just Johnnie Walker or did you see 10 him mix any other alcoholic beverages with it 11 or something else? 12 A. On our table there was only 13 Johnnie Walker Blue. 14 Q. Was there any beer? 15 A. No. 16 Q. Approximately how many glasses 17 of Johnnie Walker did Mr. Shin have when the 18 first bottle was still on the table? 19 A. I really can't count. I don't 20 know, but he drank a lot. 21 Q. Did he appear more intoxicated 22 while he was in your room? 23 A. Yes. 24 Q. As he was becoming more 25 intoxicated, was he louder? Was he funnier?</p>	<p>Page 49</p> <p>1 Y. Lee 2 Q. And the second bottle is ordered 3 before you left to use the restroom; is that 4 correct? 5 A. Probably. Yes. 6 Q. How much time passed from when 7 the second bottle was brought into the room up 8 until the time you left to use the restroom? 9 A. Okay. I don't understand what 10 you mean. 11 Q. From the time that the second 12 bottle of Johnnie Walker was delivered to the 13 room, how much time had passed until you went 14 to use the restroom? 15 A. Okay. Your question is unclear. 16 Confusing. I went to the bathroom after 17 Mr. Shin left the room. 18 Q. Oh, I'm sorry. I apologize. 19 Okay. So how much time passed 20 from the point the second bottle was delivered 21 up until the time Mr. Shin left the room? 22 A. From my recollection, about 20 23 to 30 minutes. 24 Q. In that 20 to 30 minutes, do you 25 recall how many drinks Mr. Shin had from the</p>
<p>1 Y. Lee 2 How was his personality? 3 A. He was rough. 4 Q. He was getting angry? 5 A. Yes, he appeared to be angry and 6 he was heavily intoxicated. 7 Q. Did you observe this before you 8 left for the restroom? 9 A. Yes. 10 Q. Did you observe this before the 11 second bottle of Johnnie Walker was ordered? 12 A. Yes. 13 Q. I understand that it was 14 Mr. Shin that ordered the second bottle of 15 Johnnie Walker; is that correct? 16 A. From what I know, yes. 17 Q. Did you hear Mr. Shin ask a 18 waiter to bring another bottle of Johnnie 19 Walker? 20 A. No. 21 Q. How is it that you know that 22 Mr. Shin ordered a second bottle? 23 A. When I asked, I think I heard 24 that the bottle was brought in, because 25 Mr. Shin ordered it.</p>	<p>Page 50</p> <p>1 Y. Lee 2 second bottle of Johnnie Walker Blue? 3 A. Okay. I don't know how many 4 glasses, because he took the entire bottle in 5 his hand and just poured it down from the 6 bottle. So I don't know how many glasses. 7 Q. Did you observe him drinking 8 from the first bottle in a similar fashion? 9 A. For the first bottle he drank it 10 from the cups, a few shots. And then after 11 that he just drank off the bottle, the first 12 bottle. 13 Q. So he drank in a similar fashion 14 with the first and second bottle directly from 15 the bottle? 16 A. From my observation, yes. 17 Q. Did anyone in that room have any 18 alcohol from the second bottle other than 19 Mr. Shin? 20 A. From my recollection no other 21 people drank, because Mr. Shin was being very 22 rowdy. 23 Q. Was Mr. Park awake during the 24 entire time that you were in the room with him 25 and Mr. Hong?</p>

	Page 53		Page 55
1	Y. Lee	1	Y. Lee
2	A. Yes.	2	was speaking profanities, cruel words.
3	Q. What about Mr. Hong --	3	Q. What was he saying precisely?
4	A. Mr. Hong was -- who are you	4	A. He threw F bombs. Anything like
5	asking?	5	curse words.
6	Q. Mr. Park.	6	Q. Was he directing that to anyone
7	A. Yeah, he was awake. Mr. Park,	7	in particular?
8	he had a few drinks himself, but in my	8	A. He was and then he start, you
9	recollection he was awake.	9	know, his yelling was directed at me.
10	Q. Other than Mr. Shin appearing to	10	Q. Who was he directing the cursing
11	be intoxicated, did Mr. Park appear being	11	initially to?
12	intoxicated?	12	A. That I don't know.
13	A. No.	13	Q. Did you approach Mr. Shin at any
14	Q. What about Mr. Hong?	14	time after you left the restroom before his
15	A. No.	15	accident about his language or his demeanor?
16	Q. Then at one point Mr. Shin left	16	MR. McCARTHY: Objection to
17	the room. At that point you left the room to	17	form, but if you understand it.
18	use the bathroom; is that correct?	18	A. It's a short distance from the
19	A. Yes, that is correct.	19	bathroom to the door and to the landing. And
20	Q. Did you return back to the room	20	Mr. Shin was yelling and cursing, as was shown
21	after you used the restroom?	21	in the video.
22	A. After I used the restroom and	22	Q. Why did you approach Mr. Shin?
23	after I came out of the restroom, Mr. Shin was	23	MR. McCARTHY: Objection to
24	yelling and cursing. And then that's how the	24	form.
25	incident unfolded.	25	A. From my recollection, he was
	Page 54		Page 56
1	Y. Lee	1	Y. Lee
2	Q. So you didn't make it back into	2	cursing at me.
3	the room; is that correct?	3	Q. So he started cursing at you
4	MR. McCARTHY: Before.	4	when he saw you?
5	Q. After you used the restroom, you	5	A. Yes.
6	didn't make it back into the room before	6	Q. At that point you approached
7	Mr. Shin's accident?	7	him?
8	A. Yes (English).	8	A. From my recollection, because he
9	Q. Mr. Lee please speak only in	9	was cursing and yelling, I approached him out
10	Korean. Okay.	10	of curiosity not with the intention to fight,
11	MS. NICOLAOU: I'm talking	11	but rather out of curiosity.
12	to your daughter. You cannot make	12	Q. What was he saying to you when
13	any expressions. You cannot talk.	13	he saw you?
14	You cannot gesture.	14	A. Profanities and he stuck his
15	(The record is read back by	15	finger up and he was cursing.
16	the reporter.)	16	Q. During that time, did Mr. Shin
17	A. Yes, that is correct.	17	appear to you to be intoxicated?
18	Q. And that is because you heard	18	A. Yes, he was heavily intoxicated.
19	Mr. Shin yelling?	19	Q. Was he stable on his feet?
20	A. Yes.	20	A. No, he was unstable. I was able
21	Q. Was he yelling in English, in	21	to see he was unstable on his feet.
22	Korean or some other language?	22	Q. I know we saw this video. Just
23	A. In Korean.	23	bear with me. Exhibit 1 marked on March 15th.
24	Q. What was he saying?	24	2019.
25	A. He was saying profanities. He	25	Now, sir, there's four

<p>1 Y. Lee 2 individuals in this video at 14 seconds into 3 the footage, which is two minutes and 4 22 seconds long; is that correct? 5 A. Yes. 6 Q. There's a gentleman with his 7 back to the video that is in a green shirt. 8 Is that you, sir? 9 A. Yes. 10 Q. And then there's three gentlemen 11 directly in front of you all wearing glasses; 12 is that right? 13 A. Yes. 14 Q. If we're looking at the video 15 footage, the first gentleman to the left 16 wearing glasses that has an arm around his 17 shoulder, is that the owner of the restaurant 18 in the building? 19 A. Yes. 20 Q. The gentleman immediately in the 21 middle of the three, is that Mr. Shin? 22 A. Yes. 23 Q. The gentleman immediately to his 24 right, is that his employee to your knowledge? 25 A. Yes, that is correct.</p>	<p>Page 57</p> <p>1 Y. Lee 2 A. I don't recall, but it seems 3 that way. 4 Q. And then Mr. Shin turns around 5 and looks at you, right? 6 A. Yeah, I think he was pushing me 7 at the time. 8 Q. He was pushing you away. Do you 9 recall what you guys were discussing on the 10 top of the stairs, you and who we now know to 11 be Mr. Chung Lee, Mr. Shin looks like? 12 A. Now that person recognize me. 13 Q. Which person, sir? This person 14 (indicating)? 15 A. (Indicating). 16 MS. NICOLAOU: For the 17 record Chung Lee. 18 Q. Go ahead. 19 A. And I also recognized him, so we 20 shook hands. 21 Q. You were saying hello? 22 A. Yes. 23 Q. Was that the first time that you 24 saw Mr. Chung Lee that evening? 25 A. Yes.</p>
<p>1 Y. Lee 2 Q. Now, I moved it back about one 3 second. 12 seconds into the video. 4 You see Mr. Shin about to give 5 Mr. Lee, who is another Lee, not you, the 6 other Lee, the owner of the restaurant 7 downstairs stays. 8 A. It's Chung K. Lee. 9 Q. Chung K. Lee gives him a kiss; 10 is that right? When you press play, he gives 11 him a kiss? 12 MR. McCARTHY: Looks like 13 Mr. Lee is -- 14 Q. Mr. Chung Lee is giving Mr. Shin 15 a kiss; is that right? 16 A. I don't know if it's a kiss, but 17 it appears to be that way. 18 MS. BERKOWITZ: Bear hug. 19 THE WITNESS: Yeah, a bear 20 hug. 21 Q. So, Mr. Lee, do you see your 22 hand on Mr. Shin's back? 23 A. Yeah. 24 Q. At that point you grab his 25 jacket; is that right? Is that right, sir?</p>	<p>Page 58</p> <p>1 Y. Lee 2 Q. At that point, Mr. Shin, is he 3 leaning up against the wall on top of the 4 stairs? 5 A. Yeah (English). 6 Q. Was he unstable to your 7 recollection? Not necessarily what's shown in 8 the video, but to your recollection was 9 Mr. Shin unstable on his feet? 10 MR. McCARTHY: Asked and 11 answered, but I'll allow him to 12 answer. 13 A. Yeah, one foot was in the air. 14 So he was rather in the precarious position to 15 my knowledge. 16 Q. To your knowledge, from your 17 recollection that evening, while you were on 18 top of the stairs, was Mr. Shin, when he was 19 leaning up against the wall, using it more as 20 a support? 21 A. Yes. 22 Q. To hold himself up? 23 A. Yes, appeared to be that way. 24 Q. I'm stopping at one minute and 25 42 seconds into the video.</p>

	Page 61		Page 63
1	Y. Lee	1	Y. Lee
2	Now, at this point Mr. Shin is	2	correct?
3	holding up his middle finger at you; is that	3	A. Yeah.
4	correct?	4	MS. NICOLAOU: 1, 53 into
5	A. Yes.	5	the video.
6	Q. Do you know why?	6	Q. At that point Mr. Lee who
7	A. I don't know.	7	removed Mr. Chung Lee's hands from your face;
8	Q. Was it because he was being loud	8	is that correct [sic]?
9	and drunk?	9	A. Yes.
10	A. Well, the Mr. Shin that I saw on	10	Q. Is it because you were getting
11	that evening, you know, he appeared that he	11	upset?
12	would behave in the same way to anybody.	12	A. No, I don't think so.
13	Q. Whether he was drunk or sober?	13	Q. Why did you remove his hands
14	A. Whether he was drunk.	14	from your face?
15	MR. McCARTHY: Objection to	15	A. Aren't you supposed to remove
16	form.	16	hands when a stranger placed his hands on your
17	Q. Do you recall why he raised his	17	face?
18	middle finger at you at that point?	18	Q. Did Mr. Chung Lee, the owner of
19	MR. McCARTHY: It's been	19	the restaurant downstairs, did he appear to be
20	asked and answered.	20	intoxicated?
21	A. I don't know.	21	A. I think so, because he was also
22	MS. NICOLAOU: We're a	22	drinking in another room.
23	minute and 48 seconds into the	23	Q. How do you know he was drinking
24	video.	24	in another room?
25	Q. Is Mr. Shin's middle finger	25	A. Okay. I was told that he came
	Page 62		Page 64
1	Y. Lee	1	Y. Lee
2	still at you? Yes? You have to answer the	2	with Mr. Shin.
3	question, sir?	3	Q. At the time when you were
4	A. Yeah.	4	standing on top of the staircase with
5	MS. NICOLAOU: At this point	5	Mr. Shin, his employee and Mr. Chung Lee, did
6	we're at one minute and 51 seconds	6	Mr. Chung Lee appear to be intoxicated?
7	into the video.	7	MR. McCARTHY: Asked and
8	Q. Mr. Chung Lee puts his hands on	8	answered, but I'll allow him to
9	your face.	9	answer again.
10	Do you recall him doing that	10	A. That I don't know.
11	that evening?	11	MS. NICOLAOU: Going one
12	A. Yes.	12	minute and 55 seconds into the
13	Q. Do you recall what Mr. Chung Lee	13	video.
14	was saying to you?	14	Q. After you push his hands away,
15	A. Okay. I don't recall, but he	15	Mr. Chung's Lee hands away from your face,
16	would just holding me and keeping me from --	16	about one minute and 55 seconds into the
17	he was trying to, you know --	17	video, Mr. Chung Lee puts his hands back on
18	Q. Kind of diffuse the situation?	18	your face; is that correct?
19	A. Diffuse the situation. Try to	19	A. Yes, seems that way, yes.
20	calm me down.	20	Q. Then you push him away again; is
21	Q. Were you getting upset?	21	that correct?
22	A. I was upset, but I wasn't really	22	A. Yes. At that time I think I
23	enraged.	23	was a little angry, because three people
24	Q. At that point you removed	24	behaving in such a way I think I was angry,
25	the other Lee's hands from your face; is that	25	getting angry at the time.

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1	Y. Lee	1	Y. Lee
2	MR. MCCARTHY: Could you	2	left hand and he's, for the fourth time,
3	tell him just answer the question.	3	putting his left hand this time on your face;
4	Tell him that.	4	is that correct?
5	Q. At one minute and 57 seconds	5	A. Yes.
6	into the video, Mr. Shin's middle finger is	6	Q. Is Mr. Shin, in this video, two
7	still up in the air; is that correct?	7	minutes and one second, still holding up his
8	A. Yes.	8	middle finger?
9	Q. One minute and 59 seconds into	9	A. Yes.
10	the video, Mr. Chung Lee puts his hands on	10	Q. At two minutes and four seconds,
11	your face a third time; is that correct?	11	is Mr. Chung Lee holding your hands down in
12	A. Yes.	12	this video?
13	Q. Do you know what he was saying	13	MR. MCCARTHY: Objection to
14	to you, Mr. Chung Lee, during this time?	14	form.
15	A. From my recollection he wasn't	15	Q. Do you want me to remind it?
16	saying any words. He would just be putting	16	MS. NICOLAOU: Ask him if he
17	his hands -- but he wasn't saying any words	17	wants me to rewind it.
18	from my recollection.	18	A. No, because I don't know --
19	Q. Two minutes and one second into	19	because my face, I don't know if I was angry.
20	the video, is Mr. Chung Lee holding your left	20	Q. I'm not asking if you were
21	hand back?	21	angry. I'll rewind it a little bit back to
22	A. No, I don't recall.	22	two minutes and two seconds into the video.
23	Q. I'm just asking with the video.	23	In this video Mr. Shin is still
24	Not necessarily -- let me rewind it.	24	holding up his middle finger, correct?
25	At this point, two minutes into	25	A. Yes.
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1	Y. Lee	1	Y. Lee
2	the video, you see Mr. Chung Lee's left hand	2	Q. Is it fair to say that Mr. Chung
3	on your left arm; is that correct?	3	Lee is at this point holding, at least with
4	MR. MCCARTHY: What is that?	4	his left hand, your right wrist down; is that
5	MS. NICOLAOU: Two minutes.	5	correct?
6	A. Yes.	6	A. Yes.
7	Q. And you see Mr. Chung Lee's	7	Q. And two minutes and four seconds
8	right hand at that point holding your -- I'm	8	into the video, Mr. Chung Lee, with his right
9	sorry.	9	hand is holding your left wrist down; is that
10	Let me get my left and rights --	10	correct?
11	let me start over.	11	A. Yes.
12	Mr. Chung Lee's left hand is	12	Q. And you're still up against the
13	holding your right arm above your elbow at two	13	wall at this point; is that correct?
14	minutes into the video; is that correct?	14	A. Yes.
15	A. Yes.	15	Q. Now two minutes and five seconds
16	Q. At that point is he holding you	16	into the video, Mr. Shin is still holding up
17	up against the wall?	17	his middle finger?
18	A. Yes, appears to be that way.	18	A. Yes.
19	Q. Mr. Chung Lee's right hand is	19	Q. And based on this video, do we
20	holding your left hand up against the wall; is	20	have a clear view of how Mr. Shin is standing?
21	that correct?	21	A. Yes.
22	A. Appears to be that way.	22	Q. So is it fair to say that
23	Q. At that point, and I'm looking	23	Mr. Shin is leaning up against the wall?
24	at two minutes and one second into the video,	24	A. Yes.
25	Mr. Chung's Lee's right hand is holding your	25	Q. With his right foot on the first

<p>1 Y. Lee</p> <p>2 step?</p> <p>3 A. Yes.</p> <p>4 Q. And his left foot on the</p> <p>5 landing?</p> <p>6 A. Yes.</p> <p>7 Q. Two minutes and 12 seconds into</p> <p>8 the video, is Mr. Shin still holding up his</p> <p>9 middle finger?</p> <p>10 A. Yeah.</p> <p>11 Q. Are you starting to hold up your</p> <p>12 middle finger at this point?</p> <p>13 A. Yes.</p> <p>14 Q. Would it be fair to say that you</p> <p>15 were getting more upset over the situation?</p> <p>16 A. You could say that.</p> <p>17 Q. Now I'm going to hit play at two</p> <p>18 minutes and 15 seconds into the video, okay.</p> <p>19 Goes by really fast. Ready?</p> <p>20 (Playing video.)</p> <p>21 Q. Based on this footage, Mr. Lee,</p> <p>22 did you kick Mr. Shin?</p> <p>23 A. I didn't kick Mr. Shin</p> <p>24 (English).</p> <p>25 Q. Could you please answer in</p>	Page 69	Page 71
<p>1 Y. Lee</p> <p>2 Korean.</p> <p>3 A. No, I did not kick him.</p> <p>4 Q. After Mr. Shin fell down the</p> <p>5 stairs, did you go down to check on him?</p> <p>6 A. No, I did not.</p> <p>7 Q. Did you go back to your room?</p> <p>8 A. Yes (English).</p> <p>9 Q. Why did you go back to your</p> <p>10 room?</p> <p>11 A. Because I didn't think much of</p> <p>12 it. I just thought he would just get up and</p> <p>13 walk away.</p> <p>14 Q. Do you believe, Mr. Lee, that</p> <p>15 Mr. Shin's accident was a direct result of his</p> <p>16 intoxication?</p> <p>17 A. Yes, I think so.</p> <p>18 Q. That's because he wasn't stable</p> <p>19 on his feet?</p> <p>20 A. I think so.</p> <p>21 Q. Is it also because he was using</p> <p>22 the wall to hold himself up?</p> <p>23 A. Yes.</p> <p>24 Q. Now, Mr. Lee, you were arrested</p> <p>25 that evening?</p>	Page 70	Page 72

<p>1 Y. Lee 2 Court? 3 A. Yes. 4 Q. Did you ever tell the police 5 after your arrest that you kicked Mr. Shin? 6 A. No. 7 Q. Have you ever had any prior 8 convictions? 9 A. No. 10 MS. NICOLAOU: Let's take a 11 five minute break. 12 (Whereupon, a short break 13 was taken.) 14 EXAMINATION BY MS. BERKOWITZ: 15 Q. Did you ever tell anybody after 16 that night that you kicked Mr. Shin? 17 A. No, I did not. 18 MS. BERKOWITZ: Thank you. 19 (Time noted: 1:51 p.m.) 20 21 YOUNG KU LEE 22 Subscribed and sworn to 23 before me this day 24 of , 2019 25 Notary Public</p>	Page 73	Page 75
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